IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2831 OF 2005

The State of Maharashtra ...Applicant
vs.
Dustgir Mahmad Mujawar and others ...Respondents

Mr.U.V.Nikam,A.P.P. for the Applicant

CORAM: A.S.OKA,J.
DATE : DECEMBER 4,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant-State. The acquittal of the Respondents is for offences punishable under section 323, 324, 504 read with section 34 of the Indian Penal Code. The learned Trial Judge has disbelieved the case made out by the prosecution on the ground that the evidence of the prosecution witnesses has not corroborated the testimony of the complainant. The complainant admitted his previous enmity with the accused. On the basis of the evidence it was found that there were injuries sustained by the accused No.2 and there was no explanation whatsoever for the said injuries. The learned Judge found that so far as offence under section 504 of the Indian Penal Code is concerned, the witnesses merely stated that accused abused the complainant.

2. The view taken by the learned Judge is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE